



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Roger Josef Davies
Hearing dates:	22 November 2017
Date of findings:	22 November 2017
Place of findings:	NSW Coroners Court - Glebe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – Skeletal remains found in abandoned house – identity able to be established - cause and manner of death unknown.
File number:	2015/00101060
Representation:	Advocate Assisting the Coroner: Sergeant Bronwyn Lorenc.
Findings:	<p>Identity of deceased: The deceased person is Roger Davies.</p> <p>Date of death: Roger Davies died shortly after 28 March 2012.</p> <p>Place of death: Roger Davies died at 23 Carlton Street, Granville NSW.</p> <p>Manner of death: The manner of Roger Davies' death is unknown.</p> <p>Cause of death: The cause of Roger Davies' death is unknown.</p>

Section 81(1) of the *Coroners Act 2009 (NSW)* requires that when an inquest is held, the Coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Roger Josef Davies.

The role of the Coroner

An inquest is different to other types of court hearings. It is neither criminal nor civil in nature. It does not determine whether a person is guilty of an offence, and it does not make findings and orders that are binding on parties.

A Coroner presiding over an inquest is required to confirm that a particular death occurred and make findings as to:

- the identity of the person who died
- the date and place of the death
- the cause and manner of the death.

It is not always possible to definitively answer these questions.

In addition, under section 82 of the Act a Coroner may make recommendations that are considered necessary or desirable in relation to any matter connected with the death, including in relation to health and safety.

How Mr Davies was found

At about 6pm on 6 April 2015 Ms Natalie Bertrand was looking for discarded items in an abandoned building. The building is a double storey brick/weatherboard house at 23 Carlton Street Granville. It once contained three separate apartments, but on 2 December 2008 two of the apartments were destroyed by a fire. After that time the premises were lived in by homeless persons who squatted in unit 1 at the front.

Ms Bertrand found Mr Davies' body in the corner of a room in unit 2, which is at the rear of the building on the ground level. Only skeletal remains of Mr Davies' body were left. Ms Bertrand immediately went to Granville Police Station to report the matter.

When police officers came to the building they observed that Mr Davies' body had a metal prosthetic left leg. His body was clothed in a dark blue shirt and brown pants. In the rear pocket of his pants police found a damaged bail reporting slip which had the letters '*Roger Josef DAV*' on it. It indicated an attendance at Granville Police Station on 23 February 2012.

A check found that according to police records Mr Davies' last known contact with police was on 28 March 2012. On this date he reported on bail at Granville Police Station. Police records noted that Mr Davies had an artificial left leg due to an amputation of this leg below the knee.

There is sufficient evidence to establish that the skeletal remains found in the Granville house belonged to Roger Josef Davies. The Department of Forensic Medicine conducted a comparison of the dental records of Roger Davies, with the teeth of the body found in the

Granville house. A match was established. In addition there is a clear link between police bail records and the partial name appearing on the bail slip found in the clothing of the body; as well as police records confirming that Roger Davies had a prosthetic left leg, as did the body found in the Granville house.

A further piece of evidence identifying the body as belonging to Roger Davies is the discovery in the Granville house of a partially completed application for Housing Assistance. This has been completed in the name of Roger Josef Davies, and signed on 7 February 2012. In the form the applicant provided personal details which match those of the body, including that he is an amputee and is currently homeless.

Mr Davies' life

Roger Josef Davies was born on 16 February 1970. Very little is known about his life. It is known that in his early years he lived with his family in South Australia. Following a search of records, police located two known relatives, Mr Davies' brother Damien Davies and his sister Chantal Dubsky.

Damien Davies and Chantal Dubsky live in South Australia and did not wish to attend the inquest, although they wanted to be informed of its outcome. Both had lost contact with Mr Davies a few years before his death, citing his lifestyle of drug use and lack of a stable address.

According to Ms Dubsky, Mr Davies never married and to her knowledge he had no children. Police records do not contain any reference to children either. Despite this in the application for Housing Assistance the applicant, presumably Mr Davies, stated he was paying fortnightly child support. He did not identify the names of any children.

As an adult it seems Mr Davies did not have an easy life. Police and hospital records show he had frequent interactions with police and struggled with drug dependence and mental illness. His criminal history contains the type of offences which are usually seen with drug addiction, with offences for drug possession, property and fraud offences and warrants for failing to appear at court.

Records from the Emergency Department at Bankstown Hospital record an attendance of Mr Davies on 3 December 2011, after he had collapsed and been brought in by an ambulance. The clinical notes record him living at that time at an address in Ermington. They note conditions of epilepsy for which he was not compliant with medication, drug dependence, hepatitis C, depression, anxiety, bipolar disorder, and a left leg amputation '*2007 secondary to train accident*'. It appears hospital staff were unclear whether Mr Davies had suffered a seizure or a drug overdose. He was discharged after five hours' observation, with advice to take his epilepsy medication.

Mr Davies was frequently homeless, as is indicated in the many police entries showing 'whereabouts unknown'. He is known to have lived for periods of time at Matthew Talbot Hostel in Woolloomooloo and Hope Hostel in Parramatta, as well as in other hostels, motels and shelters.

Police investigators found it difficult to locate people who knew Mr Davies. However they did find two persons who thought they had last seen Mr Davies around early 2012. They were unaware he had since died. They described him as someone who mostly kept to himself, and who used both prescription and illicit drugs. They did not know of anyone who would have wished him harm.

When did Mr Davies die?

Police records show that on 28 March 2012 Mr Davies reported on bail to Parramatta Police Station. He had been charged with an offence of possessing prohibited drugs, and was required to report on bail three times a week. He did not report on bail on 2 April 2012, and there is no record of any further police contact with him. Nor since that date is there any record of other people sighting him alive.

A Granville resident, Warrick Main, provided police with a statement that he recalled passing the abandoned house on Carlton Street sometime in the first half of 2014 and becoming aware of a strong smell similar to that of a decomposing body. He did not investigate the source of the odour, nor did he report anything to police.

A slightly bizarre piece of further evidence provides limited information about when Mr Davies died. On 12 April 2014 a person of the name Jeffrey Fisher uploaded onto his Facebook account a series of captioned photographs which he had taken of Mr Davies' body in the Granville house. It can be seen from these that Mr Davies' remains were by then in a skeletal state, with very little residual soft tissue.

According to the captions, Mr Fisher found Mr Davies' body in the Granville house when he (Mr Fisher) was homeless and was looking for a place to sleep. Mr Fisher referred to Mr Davies as 'a real forgotten Australian' and stated that his body had been there for eighteen months. He also claimed Mr Davies had suffered institutional abuse as a child, and had been murdered with a metal bar.

Mr Fisher never told police about finding Mr Davies' body; nor have police been able to locate him. Thus it is not known why Mr Fisher asserted that Mr Davies' body had been there for eighteen months, or why he claimed Mr Davies was abused as a child, and was murdered.

The above evidence establishes that by April 2014 Mr Davies had already been dead for some time. Given the frequency of his interactions with police and the absence of any record in relation to him after he last reported on bail, it is more likely than not that he died shortly after 28 March 2012.

Where did Mr Davies die?

The evidence does not provide certainty on the question of where Mr Davies died. It is possible he died somewhere other than in the Granville house and his body was subsequently moved there. That however is an unlikely scenario.

There is some evidence that Mr Davies had taken at least temporary refuge in the Granville house. The location in the house of the partially completed application for housing suggests that around the likely time of his death he was using the house as a home base.

On the balance of probabilities I find that he died at the house at 23 Carlton Street, Granville.

What caused Mr Davies' death?

The post mortem report of pathologist Dr Rebecca Irvine could not ascertain a cause of death.

Dr Irvine found the body to be a near complete skeleton of an adult male, with a below the knee amputation of the left leg. She found healed fractures of the right-side ribs and left side of the jaw, as well as a healing fracture of the nose.

Dr Irvine also found multiple fractures of the left-side ribs, which she described as 'peri-mortem': that is, occurring at or near the time of death. She was able to conclude this because the fractures showed no evidence of healing.

It was not possible for Dr Irvine to determine how Mr Davies had sustained the rib fractures. Nor was she able to determine if they had caused or contributed to his death, or alternatively if his body had sustained them after his death. She thought that if the rib fractures had occurred after Mr Davies' death, this may have been because of damage inflicted to his remains.

Nor was Dr Irvine able to make any findings as to the likelihood that Mr Davies had died from natural disease or from toxicological causes, since there was minimal residue of soft tissue remaining. She was thus unable to test for the possibility that Mr Davies died as a result of his epileptic condition or from a drug overdose.

The cause of Mr Davies' death therefore is unascertained.

What was the manner of Mr Davies' death?

The evidence is insufficient to establish whether Mr Davies died from natural causes, by misadventure, or at the hand of another person.

As noted, in his Facebook entries Mr Fisher alleged that Mr Davies had been murdered with a metal bar. One of the photographs uploaded by Mr Fisher showed Mr Davies' body lying in close proximity to what appears to be a detached chair leg. When police officers came to the scene almost 12 months later they found Mr Davies' body lying in much the same position in relation to the chair leg. Nearby was an upturned chair missing one of its legs.

As noted, police have not been able to locate Mr Fisher to question him about this allegation. They have no evidence that Mr Fisher had any prior interaction or relationship with Mr Davies.

While the upturned chair with its missing leg may at first seem to lend weight to the suggestion that Mr Davies died in violent circumstances, it must be remembered that the house was severely damaged by fire in 2009 and then occupied by squatters and others who scavenged its contents. Thus the area in which Mr Davies' body was found contains a large amount of discarded items and rubbish such that the floor can barely be seen. In the circumstances it is impossible to determine when the chair was upturned and damaged, still less to make the assumption that this occurred in the context of an assault on Mr Davies.

Unfortunately the state of the evidence is such that it is not possible to establish the manner of Mr Davies' death.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The deceased person is Roger Josef Davies.

Date of death

Roger Davies died shortly after 28 March 2012.

Place of death

Roger Davies died at 23 Carlton Street, Granville NSW.

Cause of death

The cause of Roger Davies' death is unknown.

Manner of death

The manner of Roger Davies' death is unknown.

I close this inquest.

E Ryan

Deputy State Coroner
Glebe

Date 22 November 2017